THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6223 of 2003

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records pertaining to impugned proceedings in D.Dis.No.(E)/1144/2002 dated 16.2.2003 issued by the first respondent and quash the same as arbitrary and illegal.

It appears, in pursuance to the notification issued by the second respondent-Revenue Divisional Officer calling for applications to fill up the vacancy of fair price shop of Pagadalapalli village, Gudur mandal, Nellore district, petitioner and others have applied for the same. After conducting interviews etc., petitioner was selected and appointed by the second respondent through proceedings in File No.D.Dis.No.590/01 dated 5.7.2002. Aggrieved by the said appointment order, the fourth respondent- B.Srinivasulu filed appeal before the first respondent-Joint Collector. The first respondent allowed the said appeal setting aside the appointment order of the petitioner on the ground that the petitioner was a student at the time when he applied for the fair price shop dealership. Aggrieved by the same, petitioner filed the present writ petition.

This Court, while admitting the writ petition on 9.4.2003, granted interim suspension of the impugned order and the same is subsisting as of now.

Now a detailed counter affidavit has been filed by the respondents stating that the petitioner was a student as on the date of notification i.e. 30.4.2002, which is evident from the transfer certificate bearing No.4618 issued by the Principal, SKR Government Junior College, Gudur on 4.7.2002 wherein it was clearly mentioned that the petitioner had actually left the college on 2.7.2002. Thus the petitioner

was a student at the time when he applied for the vacancy pursuant to the notification. Therefore, the order passed by the first respondent-Joint Collector dated 16.2.2003 does not suffer from any infirmity.

Except making the above averments, the respondents have not shown any provision of law prohibiting a student from applying for fair price shop dealership. It appears, petitioner was not pursuing his studies as on the date of his appointment as fair price shop dealer. Since there is no embargo to a student to apply for fair price shop dealership and the petitioner left the college on 2.7.2002, the order passed by the first respondent setting aside the appointment of the petitioner is liable to be set aside.

In the result, the writ petition is allowed and the impugned order passed by the first respondent dated 16.2.2003 is set aside and the appointment of the petitioner as fair price shop dealer through the order passed by the second respondent-Revenue Divisional Officer dated 5.7.2002 stands restored. No order as to costs.

_____

C.V.RAMULU, J

Date: 3.1.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6223 of 2003

3.1.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6223 of 2003

Date: 3rd January, 2007

Between:

Gali Suresh Babu

.. Petitioner

And

The Joint Collector,
Nellore District, Nellore & others.

.. Respondents